

REPUBLIC OF MADAGASCAR | PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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MIGRATION GOVERNANCE INDICATORS

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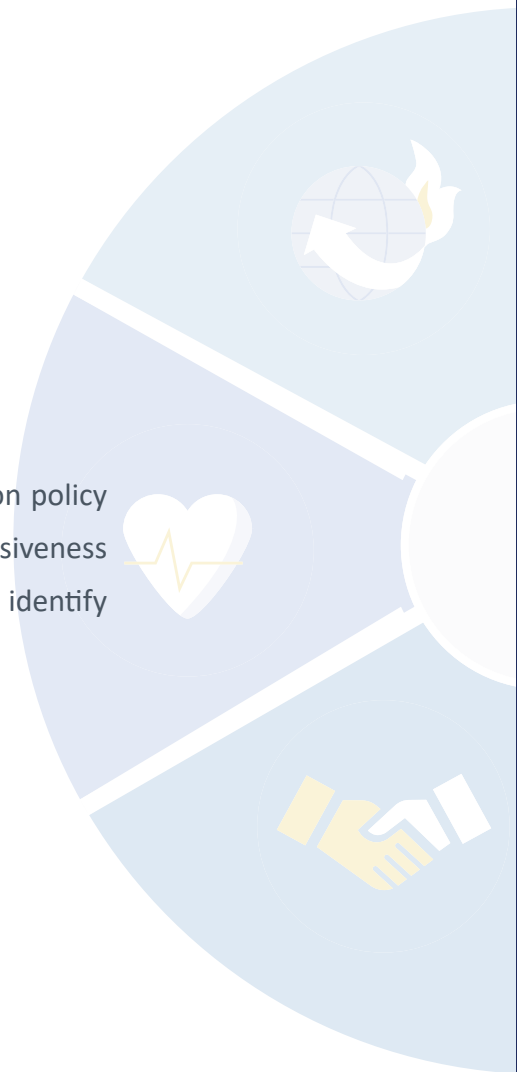
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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Madagascar (hereinafter referred to as Madagascar), as well as the areas with potential for further development, as assessed by the MGI.⁴

¹ IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

² IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM's Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies**."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 14

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 16

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 17

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 19

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 20

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified (Year)
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (2001)
United Nations Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (1967)
United Nations conventions on statelessness, 1954 and 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Yes (2019)
United Nations Convention on the Rights of the Child (UNCRC), 1989	Yes (1991)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2015)

1.2. Migration governance: Examples of well-developed areas

Migrants, regardless of their migratory status, have the same access to Government-funded health care as Malagasy citizens. Article 19 of the Constitution (2010) affirms the right to health for all individuals, without limiting that right to citizens, and stipulates that the State is to organize free public health care. In addition, under Article 128 of Law No. 2003-044 on the Labour Code (2004), migrant workers have access to health insurance through their employers. Access to medical care in public facilities is not restricted for migrants, and they incur the same costs for private health-care services as citizens.

Migrant workers have the same access as citizens to social protection. Decree No. 69-145, which establishes the Social Security Code (1969),⁵ applies to all wage earners, and as such, migrant wage earners can also receive social security benefits.⁶

Migrants wishing to be naturalized must have lived in the country for at least five years, as stipulated in Article 27 of Ordinance No. 60-064 on the Code of Malagasy Nationality (1960). There is no prior residence requirement for migrants who have rendered important services to Madagascar (in terms of economic, scientific or artistic contributions).

Family reunification is possible for all migrants living in the country and holding a long-term resident permit. Law No. 62-006 on the organization and control of immigration (1994) provides for two categories of visas: non-immigrant visas that are valid for less than three months and long-term visas that are valid for more than three months. Interministerial Decree No. 8421/97 (1997), on the application of

⁵ This has been modified by Decree No. 69-233 of 17 June 1969.

⁶ Decree No. 69-145 sets out the basics of Madagascar's social security system, notably an insurance scheme to which employers must adhere and affording employees pension, disability, occupational accident and child benefits (including maternity leave).

Decree No. 94-652 (1994),⁷ establishes the terms and conditions for granting entry and resident visas for non-immigrant foreigners and immigrants. The Decree lists family reunification as one of the categories qualifying for a long-term visa. According to the Decree, in order to be granted family reunification, the person concerned must present a birth or marriage certificate and a photocopy of the passport or visa of the parent or spouse living in Madagascar.⁸

1.3. Areas with potential for further development

Under Article 23 of the Constitution (2010), every child has the right to education; and under Article 24, the State is in charge of organizing compulsory primary education for all. Law No. 2004-004, on the general orientation of the system of education, instruction and training (2004),⁹ also states that education is obligatory, and its Article 1 makes school attendance compulsory as of the age of 6. However, neither law refers to migrants. In practice, migrants pay the same school registration fees as citizens.

Decree No. 94-652 establishing the new implementing modalities for Law No. 62-006 on the organization and control of immigration (1994), or other legislative texts, makes no clear reference to permanent residency. The Ministry of the Interior and Decentralization (Ministère de l'Intérieur et de la Décentralisation, MID) has exclusive authority to renew long-term resident visas, and it reserves the discretion to establish the criteria for and duration of such visas.

Ordinance No. 60-064 on the Code of Malagasy Nationality provides that women or stateless persons who marry Malagasy men can apply for citizenship with no prior residence requirement. Under Article 29 of the Code, this does not include the marriage of migrant or stateless men.

Under Article 9 of Law No. 62-006 determining the organization and control of immigration (1962),¹⁰ all migrants must obtain a “work card indicating professional category” to be employed in Madagascar. In practice, this work card no longer exists; it has been replaced by a work permit or employment authorization issued by the Ministry of Labour, Employment, Public Services and Social Legislation (Ministère du Travail, de l'Emploi, de la Fonction Publique, et des Lois Sociales, MTEFPLS). Foreigners wishing to transfer from one job to another must declare their change of status to MTEFPLS for validation.

Madagascar has no strategy to fight discrimination against migrants. Article 6 of the Constitution stipulates that all individuals are equal before the law and are protected by the law without discrimination based on origin. Likewise, Article 261 of Law No. 2003-044 on the Labour Code punishes any discriminatory treatment with regard to access to employment and working conditions “based on the worker’s race, religion, origin, sex, trade union membership or political opinions and affiliation”.

⁷ This is as modified by Decree No. 97-1154 of 19 September 1997.

⁸ These documents are essential for applications for a resident visa on the grounds of family reunification but do not suffice on their own to apply for a resident visa.

⁹ This has been modified by Law No. 2008-011 of 20 July 2008.

¹⁰ This has been modified by Law No. 95-020 of 24 July 1995.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

Madagascar has clear laws on immigration. Law No. 62-006 determining the organization and control of immigration (1962) establishes a basic framework for migrants and stateless persons. Decree No. 94-652 establishing the new implementing modalities for Law No. 62-006 on the organization and control of immigration (1994) divides foreigners residing in Madagascar into three categories: non-immigrants entering Madagascar for a period of less than three months, immigrants staying in the country for longer than three months, and those admitted as stateless persons and refugees. Interministerial Decree No. 8421/97 (1997), on the application of Decree No. 94-652 (1994)¹¹ establishing the terms and conditions for granting entry and resident visas for non-immigrant foreigners and immigrants (1997), lists the documents to be furnished to obtain a long-term resident visa: an employment certificate for wage earners, a birth or marriage certificate for family reunification, and a registration certificate for students.

The Ministry of Labour, Employment, Public Services and Social Legislation (MTEFPLS) is responsible for establishing the country's labour migration policy. Decree No. 2019-072 establishing MTEFPLS' attributes (2019) tasks the Directorate for Labour Migration with studying and assessing employment possibilities abroad and with processing permit applications for private recruitment agencies placing Malagasy citizens abroad. Migrant labour emigration is managed on the basis of Article 42 of Law No. 2003-044 on the Labour Code (2004), which stipulates that all labour contracts signed by Malagasy citizens for employment abroad must be submitted by the contracting party to the Ministry for verification.

The Interministerial Committee on Emigration, which was set up by the Ministry of Employment, Technical Education and Vocational Training by Order No. 23993/2015 on the establishment of an interministerial committee to monitor labour emigration (2015), is tasked with regulating emigration of Malagasy citizens and protecting their interests abroad. The Committee is chaired by MTEFPLS and is comprised of the Ministry of Public Security (Ministère de la Sécurité Publique, MSP); Ministry of Population, Social Protection and Promotion of Women (Ministère de la Population, de la Protection Sociale et de la Promotion de la Femme, MPPSPF); Ministry of the Interior and Decentralization (Ministère de l'Intérieur et de la Décentralisation, MID); Ministry of Justice (Ministère de la Justice); and Ministry of Foreign Affairs (Ministère des Affaires Étrangères, MAE).

The Diaspora Directorate, which was established within MAE by Order No. 2019-AE of 1 February 2019 on the missions and structure of the Ministry's Central Services, oversees the implementation of the National Policy for Engagement with the Malagasy Diaspora (2019). Its main responsibilities are to contribute to development, draw up a diaspora policy based on a lasting engagement linked to the five-year development plan, and help and protect members of the diaspora by providing consular services and strengthened ties between foreign citizens and the Government. The Policy's overall goal is to "manage, protect, support and promote the Malagasy Ampielezana¹² ... to obtain reliable statistical data on their characteristics, expectations, interests and needs ... and to promote their involvement in the political, economic and social life of Madagascar, so that they contribute to the country's sustainable development".

¹¹ This is as modified by Decree No. 97-1154 of 19 September 1997.

¹² In other words, "Malagasy abroad".

2.2. Areas with potential for further development

The Government of Madagascar does not have a national migration policy. The Road Map on Labour Migration in Madagascar (2017) was elaborated by an interministerial committee, but no strategic policy was adopted for its implementation. The Interministerial Committee on Emigration meets on an ad hoc basis. Moreover, there is no interministerial coordinating committee on migration issues in general, including immigration. Labour migration is the remit of MTEFPLS by virtue of Decree No. 2019-072 establishing MTEFPLS' attributes (2019). MID is responsible for issuing long-term visas and resident permits. The Economic Development Board of Madagascar (EDBM), which was set up in 2007 to promote investment in the country through ministry representation, is more specifically responsible for processing applications for long-term visas, work permits and family reunification for foreign investors, by virtue of Decree No. 2014-1822 amending EDBM's statutes (2014). MSP, by virtue of Decree No. 2014-295 establishing MSP's attributes and general organization (2014), oversees border management.

Limited efforts have been made to reintegrate returning Malagasy migrants, but no such efforts have been made to integrate non-nationals. Since 2013, MPPSPF has been providing limited support, for want of resources, to receive and reintegrate repatriated Malagasy survivors of trafficking in persons. In addition, in March 2019, the Government launched a one-off initiative to repatriate Malagasy women domestic workers in difficult situations from Kuwait. It has also supported the reintegration of citizens repatriated under the Fihariana programme, which affords loans and subsidies for agricultural entrepreneurship. The Road Map on Labour Migration in Madagascar suggests the development of a pilot reintegration project for Malagasy citizens, but no progress has been made in that respect.

Migration data is not systematically collected and published, and the related data is not regularly updated. The various ministries tasked with managing migration – in particular MAE, MID, the Air and Border Police under MSP, and MTEFPLS – collect their own statistics on migration but do not coordinate data-sharing. Nonetheless, the most recent General Population and Housing Census (2018) includes migration-related questions, notably on place of birth, nationality, place of prior residence and reasons for migrating.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Madagascar participates in the Pan-African Forum on Migration, which aims to promote and develop inter-State dialogues and intra- and interregional cooperation on migration, notably the regional economic communities of the African Union, the regional consultative processes, and other inter-State consultative mechanisms on migration in Africa.

Madagascar also participates in the Migration Dialogue for Southern Africa (MIDSA), a regional consultative process that establishes a framework for regular dialogue on migration between the member States of the Southern African Development Community (SADC) and aims to strengthen inter-State cooperation with a view to improving migration governance. Furthermore, Madagascar participates in the Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM), which aims to promote informal and non-binding dialogue on questions and possibilities related to migration management, thus improving government capacity in that regard. In addition, the country takes part in the Migration Dialogue for the Indian Ocean Commission Countries (MiDIOCC), the chief objective of which is to establish a forum for consultation and regular exchange of information, experiences, and good practices on migration, in particular regarding maritime security, border management and labour mobility.

The Ministry of Labour, Employment, Public Services and Social Legislation collaborates with the private sector through the National Labour Board, a tripartite body bringing together representatives of the Government, private-sector employers, and workers. The Board meets whenever a question arises requiring the views or approval of the private sector. Civil society representatives sometimes also participate.

Since 2015, the Government has formally engaged members of its diaspora through the Diaspora Directorate at the Ministry of Foreign Affairs (MAE). The Directorate is responsible for drawing up initiatives to engage the diaspora in Madagascar's development, in particular the transfer of knowledge, skills and investment. Noteworthy measures include the mobilization of young members of the diaspora for volunteer projects in Madagascar in 2019. Moreover, in 2017, MAE organized the Diaspora Forum, during which diaspora and government representatives discussed topics such as international relations, diaspora rights (including the right to vote), the ties between the diaspora and the State, and business opportunities.¹³

3.2. Areas with potential for further development

Madagascar has not concluded bilateral agreements or memorandums of understanding on migration issues with other countries. The Government has endeavoured to finalize bilateral labour agreements with the main countries of destination for Malagasy migrants: the Comoros, Lebanon, Mauritius and Saudi Arabia. For example, the country participated in migration negotiations aimed at reaching a bilateral labour agreement with two neighbouring countries, Mauritius and the Comoros, in September 2021. The aim of the agreement would be to define the conditions and criteria for Malagasy migrant workers, organize recruitment and placement, promote equal treatment of migrant workers and respect for their rights, and more particularly prohibit the confiscation of identity documents.

The Government collaborates with the private sector and civil society organizations only on labour migration. For other migration-related matters, collaboration is yet to be established as of September 2021. The Road Map on Labour Migration proposes two projects for Malagasy migrant workers – one on pre-departure training and the other on a pilot return and reintegration project. The Road Map is yet to be implemented as of September 2021.

¹³ The second Diaspora Forum was scheduled to be held in 2020 but could not take place because of the COVID-19 pandemic.



4

ADVANCES THE SOCIOECONOMIC
WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Madagascar has introduced measures to promote gender equality in the labour market. While those measures do not specifically target migrants, they are also applicable to migrant workers by virtue of Article 53 of Law No. 2003-044 on the Labour Code (2004). Article 53 requires equal pay for equal work, no matter the worker's personal characteristics, including "sex, race and origin". In addition, under the National Employment and Training Policy (2015), the Government strives to eliminate obstacles to women's employment – in predominantly male sectors, for example.

Measures have been adopted to protect the rights of Malagasy citizens seeking to work abroad. Malagasy migrant workers are protected under Article 42 of Law No. 2003-044 on the Labour Code, which stipulates that foreign employers seeking to hire Malagasy citizens must submit the work contracts to the Ministry of Labour, Employment, Public Services and Social Legislation (MTEFPLS) for approval, and they must bear the costs of travel. In fact, the Directorate for Labour Migration at MTEFPLS approves a contract only once the foreign employer has obtained a work permit and a certificate of residence for the employee. The authorization to hire requires the employer to provide housing and take responsibility for the worker's medical care.

4.2. Areas with potential for further development

By virtue of Law No. 62-006 determining the organization and control of immigration (1962), the country differentiates the reasons for immigration of foreigners in light of the professional activities engaged in and whether or not they are paid. While this legislative text and Decree No. 97-1154 establishing the new implementing modalities for Law No. 62-006 (1997) identify different categories of visas¹⁴ without detailing them, Madagascar intends to improve and reinforce the conditions for obtaining a visa depending on the reasons for coming to the country, in order to ensure that migrants' aspirations are met. In application of Law No. 62-006, which authorizes the Ministry of the Interior and Decentralization to grant resident status, the Ministry grants migrants visas enabling them to take up management positions or sit on the board of directors of certain Malagasy enterprises, in order to encourage investment. However, the investor visa established by the previously mentioned law is also the subject of Law No. 2007-036 on investment in Madagascar (2008).

There is no assessment of foreign labour demand and supply nor the impact of emigration on the national labour market. Madagascar conducted an assessment of the labour market in 2012, but the assessment did not consider the effects of emigrants on the labour market, and the data collected was not aggregated by nationality or migration status.

Madagascar has yet to conclude any bilateral labour agreement, although the negotiations on such an agreement with Mauritius are in the final stages as of September 2021.

Madagascar has no formal criteria for recognizing foreign qualifications and does not participate in any common qualification framework. International students holding a long-term resident visa have access to university education but may pay higher fees than Malagasy citizens, depending on the practice of certain public and private institutions.

¹⁴ The categories are family reunification, student, pensioner, missionary (paid or non-paid), intern, worker (foreign wage earner), investor (encompassing individual businesses, associated investors and managers) and unpaid foreigner receiving remuneration from abroad.

Law No. 62-006 determining the organization and control of immigration, along with Decree No. 94-652 establishing the new implementing modalities for Law No. 62-006 on the organization and control of immigration (1994), contains no provisions on ethical recruitment.

The country has not introduced measures to facilitate formal transfer of remittances.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The National Disaster Risk Management Office (Bureau National de Gestion des Risques et des Catastrophes, BNGRC) was established by Decree No. 2019-1958 on the BNGRC's organization, functioning and attributes (2019) under the Ministry of the Interior and Decentralization. The BNGRC is tasked with overall disaster risk management in Madagascar – and more specifically, the implementation of the National Disaster and Risk Management Strategy (2016–2030), as well as the elaboration of the National Multi-contingency Emergency Plan and of a similar plan for each region under the National Disaster and Risk Management Policy (2016).

The Ministry of Foreign Affairs (MAE) is responsible for assisting citizens living abroad in times of crisis by virtue of Order No. 2019-AE on the missions and structure of MAE's Central Services (2019). The Ministry's Diaspora Directorate maintains relations between the State and the diaspora and protects the interests of vulnerable Malagasy citizens abroad through its Assistance Service for Malagasy citizens.

MAE's Emigration Monitoring Service, which was established in 2015, keeps a voluntary register of citizens living abroad. Pursuant to Order No. 2019-AE, the Emigration Monitoring Service periodically verifies the number of Malagasy citizens living abroad and helps to update data on the diaspora. The number of Malagasy citizens abroad is verified annually with the collaboration of embassies, which keep count of the number of Malagasy nationals registered with the consular service.

5.2. Areas with potential for further development

The National Disaster and Risk Management Policy (2016) and the National Disaster and Risk Management Strategy (2016–2030) do not contain specific measures on assistance to migrants during and post crises in the country, nor do they address the issues of large-scale population movements in the event of a crisis.

The National Disaster and Risk Management Policy and Strategy address climate change but do not mention migration related to climate change. Moreover, the Policy does not set objectives for adaptation or for reducing vulnerability to the impacts of climate change.

While the National Disaster and Risk Management Strategy refers to one of the key priorities of the Sendai Framework for Disaster Risk Reduction (2015–2030) in terms of post-crisis rehabilitation – build back better – it does not contain specific post-disaster recovery measures.

Madagascar has set up communication systems to inform the population on the evolution of crises. Articles 19 and 20 of Law No. 2015-031 on the National Disaster and Risk Management Policy (2015) task the BNGRC to manage communications on crises and emergency warning systems. The Office's National Multi-contingency Emergency Plan comprises a range of measures to promote communication via focal points and local media, before and during disasters. These systems do not make allowances for the specific needs of migrants.

While MAE's Emigration Monitoring Service allows citizens abroad to register with the diplomatic representation in the country of destination, assistance in the event of a crisis remains limited and is provided on a case-by-case basis.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Pursuant to Decree No. 2014-295 establishing the Ministry of Public Security's (MSP) attributes and general organization (2014),¹⁵ MSP is responsible for border security in Madagascar. The Ministry's Directorate for Intelligence, Immigration and Emigration Control is tasked with "identifying foreigners living in Madagascar and monitoring their activities". It is also tasked with controlling cross-border movements of people, combating migrant smuggling and implementing Law No. 2014-040 on the fight against trafficking in persons (2014).

The National Office to Combat Trafficking in Persons (Bureau National de Lutte contre la Traite des Êtres Humains, BNLTEH) of Madagascar was established pursuant to Decree No. 2015-269 on BNLTEH's creation, organization, functioning and attributes (2015). Its mission is to prevent trafficking in persons, monitor anti-trafficking activities, and harmonize and coordinate the activities of relevant services with a view to preventing trafficking in persons, by exchanging and sharing information with stakeholders and participating in training programmes.

The Ministry of the Interior and Decentralization (MID) uses a biometric visa and card system to monitor active visas in light of the criteria required, notably the expiry date or year of issue, without regard for the place where the foreign nationals have settled. It shares that information as needed with entities requesting it. MID and the Economic Development Board of Madagascar monitor expired long-term visas and can take appropriate measures regarding the renewal.

As part of the fight against the exploitation of Malagasy migrant workers, the country provides occasional aid for the repatriation of citizens in difficulty. In July 2015, the Ministry of Population, Social Protection and Promotion of Women established the Directorate for Expatriate Support, to protect and assist returning migrants by providing reintegration aid. That aid takes the form of short training courses on entrepreneurship, seed funding for businesses, and six months of follow-up.

Madagascar has signed a regional agreement (2018) covering maritime security in general, but specifically trafficking in persons and migrant smuggling, with its neighbours in the Indian Ocean (the Comoros, Djibouti, Mauritius and the Seychelles, with France and Kenya joining later). The agreement enables the exchange of data on maritime security through the Regional Maritime Information Fusion Centre.

6.2. Areas with potential for further development

Madagascar does not have policies in place for attracting Malagasy citizens who have emigrated.

In 2015, BNLTEH developed the National Anti-trafficking in Persons Plan, which was established by Law No. 2014-040 and aims to improve on existing legislation by criminalizing forced labour and practices similar to slavery, and by stipulating pertinent penalties. Evaluation of the Plan's implementation brought to light the need for Madagascar to adopt a policy before developing a second plan. In 2019, BNLTEH therefore developed the National Anti-trafficking in Persons Policy (Politique Nationale de Lutte contre la Traite des Êtres Humains, PNLTEH), which aims to enhance legislative and administrative frameworks through the ratification of international and regional conventions, sensitize against trafficking in Madagascar, and

¹⁵ This has been modified by Decree No. 2020-156 of 19 February 2020 establishing the attributes of the Ministry of the Interior and Decentralization and its general organization.

reduce the vulnerability of segments of the population to trafficking. The Policy was submitted to the Government Council in 2020 and is in the process of being approved as of September 2021.

BNLTEH collects and publishes statistics on trafficking in persons in order to support internal decisions and evaluate the progress made by those combating trafficking. Its annual report is for internal use by government stakeholders and is not accessible to the public.

Article 4 of Law No. 2003-044 on the Labour Code (2004) prohibits forced labour but does not set out specific measures for migrant workers in the country.

The Ministry of Foreign Affairs (MAE) has introduced an online platform for diplomatic and tourist visa applications. For other kinds of visas, certain Malagasy embassy sites offer online visa application services, but most do not. Visas can be obtained from the Malagasy embassy in the country of the foreign national. If there is no diplomatic representation in the country concerned, the applicant can use MAE's online platform to request an entry permit that can be converted within 72 hours of arrival in the territory of Madagascar, and it must specify the purpose of the application.

Under Article 20 of Decree No. 2014-295 establishing the attributes and general organization of MSP (2014), the agents of the Air and Border Police under MSP ensure border security. They receive general training that does not cover the specific needs of migrants, trafficking in persons, or border trends.

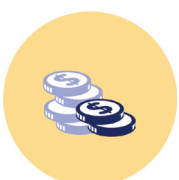
MIGRATION
 GOVERNANCE
 INDICATORS


PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This page summarizes key national COVID-19 policy responses in Madagascar from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI) assessment in Madagascar in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



Migrants have access to COVID-19-related health care, regardless of their migratory status, on the same basis as Malagasy nationals. According to the French embassy in Madagascar, which represents the largest cohort of non-nationals in the territory, health care has been provided to French citizens on the same basis as Malagasy nationals – namely, home isolation for suspected cases, home treatment for minor cases, and hospitalization with oxygen for severe cases.¹



The strategic measures adopted in response to the COVID-19 pandemic do not take into account the specific needs of migrants. Madagascar's Multisectoral Emergency Plan and COVID-19 Response Plan do not contain targeted measures.^{2,3}



The Government provides all information on the COVID-19 pandemic in French and Malagasy. There is no evidence of measures to ensure that migrants, in particular, can understand communications, but the majority of non-nationals in the territory are French-speaking.



Madagascar's Post-Pandemic Recovery Plan⁴ does not include specific measures to encourage migrants to contribute to the government response to COVID-19. However, the Economic Development Board of Madagascar, which is in charge of attracting investment and issuing work permits, has implemented measures to that end.

¹ French Embassy in Madagascar, COVID-19. Available at <https://mg.ambafrance.org/-COVID-19-729->.

² Republic of Madagascar, *Plan Multisectoriel d'Urgence Madagascar* (2020). Available at www.primature.gov.mg/wp-content/uploads/2020/07/Plan-Multisectoriel-DUrgence-PMDU-Version-finale-14.07.20-2.pdf.

³ Ministry of Public Health, *Madagasikara mandresy ny coronavirus* (2020). Available at www.sante.gov.mg/organigrammes/assets/uploads/files/documents_officiels/495f7-booklet-coronavirus-27-07-20-1_compressed.pdf.

⁴ See footnote 2.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



The Government has not introduced measures to promote diaspora contributions to the COVID-19 response. However, its embassy in France, supported by the Ministry of Foreign Affairs' Diaspora Directorate, has set up a consular support and assistance group for Malagasy citizens stranded abroad, taking advantage of links with the diaspora.⁵ The Diaspora Directorate has also encouraged solidarity among members of the diaspora in all countries where there is an embassy, with a view to helping people in distress.



International money transfer agencies were not required to shut down during the lockdown in Madagascar.⁶ The Central Bank of Madagascar has supported them and the banks with cash injections and relaxed the requirements for opening accounts.⁷



Madagascar has introduced measures to ensure the safe and orderly return of Malagasy citizens stranded abroad as a result of the pandemic. In the face of closed borders, the Ministry of Foreign Affairs has worked with other ministries to organize the repatriation of Malagasy nationals as from August 2020.^{8,9}

⁵ Radio France Internationale, Les Malgaches de Cachan face à l'épidémie de Covid-19. 25 August 2020. Available at www.rfi.fr/fr/podcasts/20200825-malgaches-cachan-face-%C3%A9pid%C3%A9mie-coronavirus.

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⁷ Central Bank of Madagascar; Face au COVID-19, BFM maintient son service. Available at www.banky-foibe.mg/communiqu%C3%A9/face-a-lepidemie-de-covid-19-bfm-maintient-un-service-minimum.

⁸ Ministry of Foreign Affairs, Compte-rendu de l'intervention sur la TVM, le 14 août 2020, du Ministre des Affaires Étrangères, Dr TEHINDRAZANARIVELO Djacoba A. S. Oliva sur la situation de rapatriement des Malagasy bloqués à l'étranger (2020). Available at www.diplomatie.gov.mg/images/rapatriement/intervention_tvm_mae.pdf.

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ANNEXES

MiGOF: Migration Governance Framework¹⁶

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.¹⁷ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

¹⁶ IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

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The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal¹⁸ and uploaded on the IOM Publications Platform.¹⁹

¹⁸ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

¹⁹ Please see <https://publications.iom.int/>.



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